DOCUMENT RESUME

ED 257 739 SO 016 549

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TITLE Teaching about Federal Public Policy and Minorities. "Bilingual Education" (Draft).
PUB DATE 19 Nov 84
NOTE 14p.; Paper presented at the Annual Meeting of the National Council for the Social Studies (64th, Washington, DC, November 15-19, 1984).
PUB TYPE Guides - Classroom Use - Guides (For Teachers) (052) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Bilingual Education; *Controversial Issues (Course Content); Course Descriptions; Court Litigation; Educational Policy; Federal Government; *Federal Programs; Learning Activities; Lesson Plans; Minority Groups; *Public Policy; Secondary Education; *Social Studies; Student Attitudes; Student Projects

ABSTRACT

This course description is designed to help teachers integrate a section dealing with bilingual education into secondary social studies classes. After instruction, students examine current bilingual educational policies and practices in the United States, judge the effectiveness of these policies and practices in meeting the educational needs of the targeted population, suggest possible modifications of existing policies and practices, and recognize the need to respect and value cultural and linguistic diversity. Students begin the course by discussing their knowledge of these issues. Depending on the level of knowledge shown, teachers may have to provide background beyond that contained in the first handout, "Historical Background for Bilingual Education." The use of outside speakers is suggested to proivde further information. Possible student projects include questioning adults in the community or those directly involved in bilingual education about their attitudes and experience. Students can read about court cases in the second handout. After additional discussion, students are asked to consider a particular case and their own values and opinions regarding bilingual education. Sources for additional information are included, as well as appendices dealing with the analysis of economic and political issues and an outline of forces working for and against bilingual education. (IS)

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"DRAFT"

TEACHING ABOUT FEDERAL PUBLIC POLICY AND MINORITIES

"Bilingual Education"

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Presented to the 64th Annual Meeting
of the
National Council for the Social Studies

Washington, D.C.
November 19, 1984

SP 016 549

TITLE: Examining Federal Policies and Practices Toward Bilingual Education

TIME: Several class periods

MAJOR CONCEPTS: Language, cultural/linguistic diversity, equity

RELATED CONCEPTS: Assimilation, cultural pluralism, human rights, freedom

SKILLS: Analyzing, organizing data, making judgments, decision making

INSTRUCTIONAL OBJECTIVES: After instruction the student

1) examines current bilingual educational policies and practices in the United States;

2) judges the effectiveness of these policies and practices in meeting the educational needs of the targeted population;

3) suggests possible modifications of existing policies and practices regarding bilingual education;

4) recognizes the need to respect and value cultural/linguistic diversity among people.

RATIONALE: In some manner federal policies and practices influence the behavior and expectations of all citizens and/or residents of the United States. The federal bilingual educational policies, now nearly two decades old, were designed to meet the unique needs of a portion of our population. The results of these policies are mixed. There are many who support these policies and believe them to be effective and want them to be extended. On the other hand, there are critics who believe these policies are inappropriate and have not lived up to their expectations. It is important that students be able to examine existing federal policies and seek to determine the effectiveness of such policies and formulate an opinion about their effectiveness.

SUGGESTED USE: This learning activity may be used in secondary social studies courses such as government civics, social problems, ethnic studies, and economics.

MATERIALS:

The teacher should check with the state education agency and/or local district to determine bilingual educational policies, practices, and costs in that state and/or district as policies and practices vary greatly across the United States. While the focus in this lesson is on the Spanish-speaking, other language groups may be included for study. This is recommended if another language group resides in the area or school district.

The National Clearinghouse for Bilingual Education in Rosslyn, Virginia has information and publications available for background information.

PROCEDURE:

1. Start the discussion by asking students what they know about bilingual education and the policies and practices which influence bilingual education programs. (It is assumed that students have had some prior experience studying the legislative, executive, and judical processes of government; and some practice in policy analysis and decision-making techniques. See Appendix A, B and C for suggested models.)

2. Distribute Student Handout #1 "Historical Background for Bilingual Education" for reading and discussion.

3. Depending on the knowledge level of the students, the teacher may have to provide historical background information concerning bilingual education, by placing this legislation in the political, social, and economic context of the 1960s and beyond.

4. An outside speaker from the local Office of Civil Rights, a member of a linguistic minority, or government representative may be invited to address the class in order to provide additional knowledge or to share experiences with the class.

5. Students may want to construct a questionnaire to determine local adult attitudes regarding existing federal policies and practices concerning bilingual education.

6. If there are persons within the community who have children or who have been personally involved with bilingual education, students may want to interview them concerning their attitudes and experiences related to bilingual education.

7. Distribute Student Handout #2 "Excerpts from Federal Court Decisions Affecting Bilingual Education" so that students can review the excerpts of court cases related to bilingual education.

8. After discussion and in small groups ask students to decide whether or not to place Maria and Juan in a bilingual education program (see Student Handout #3 "What Would You Decide?") The reasons given for their decision should be discussed and explained. Individual answers may also be discussed in small groups.

3

9. The next day, have students complete Student Handout #4 "What Do You Value? Where Do You Stand?" and be able to explain their choices.

EVALUATION: To assess student learning, a similar case study could be presented. Students would be judged on the reasons given for the particular choice and an explanation of the processes used in arriving at a particular answer.

STUDENT HANDOUT #1

"Historical Background for Bilingual Education"

From the beginning the United States has had no official language policy, as there is no mention of a language policy in the United States Constitution. This may be somewhat surprising since the constitution of many nations indicates the "official" language for the country. Yet, John Jay in the Federalist Papers indicated his belief that use of the English language help the country to become "one united people."

From its beginnings the population of our nation has not all been English-speaking people. Nor for that matter were the first Americans, the Indian population, English speaking. The Indian tribes had their own languages. Over the years as the number of immigrants to the United States increased, the number of non-English speaking persons also increased. The new immigrants brought to the United States their ethnic and cultural distinctiveness and religious differences.

For example, before the Civil War, the Germans settled initially in the unpopulated frontier (Ohio, Pennsylvania, and Wisconsin) regions of the country where they became a majority in these sparsely settled areas. In these agricultural areas there was little need to use the English language and so in the early school attendance laws no mention was made of the language to be used for instruction. The Germans did not want to have English language instruction excluded, but at the same time did want to have German taught to their youth. Responding to these requests the state legislatures in these states passed laws during the 1830s and 1840s which allowed students to be taught in school in German or in both German and English.

Following the Civil War the immigrant population of the United States increased with many of the immigrants coming from several non-English speaking countries. Many of these immigrants settled in urban areas and became a visible minority. Earlier attitudes of acceptance and tolerance toward the immigrants changed and restrictionist sentiment which would limit immigration and restrict access to American economic and political institutions grew. The immigrant was viewed by many in the United States as a liability. From about 1880-1925 and especially after World War I, competency in the English language became a requirement and a prerequisite for voting and holding public office, and for admission to various occupation groups. Laws were passed in 37 states that required English to be the language of instruction in the public schools thereby prohibiting instruction in mother tongue. During the first half of this century schools were viewed as the appropriate institution to create a unified, conforming citizenry with the teaching of English. Central to this responsibility the English language became a symbol of knowledge, character, and patriotism.

During the 20th century there were several court cases involving English language requirements. The results were mixed. For example, in one case the courts overturned the ban on German language instruction, but in another case the courts retained English literacy tests as a requirement for voting.

By the decade of the 1960s there was a strong focus on civil rights and a wave of ethnic consciousness developed. Congress passed a variety of civil rights legislation, the Economic Oooportunity Act (1964) and the Elementary and Secondary Education Act (1965). The latter two acts focused on the poor and disadvantaged youth. Meanwhile, during this time Mexican-Americans, Puerto Ricans, and other Hispanic populations began to take steps to ensure that Spanish language usage have a more meaningful role in the education of Hispanic youth.

The federal government and state governments with large Hispanic populations soon began to recognize the political power of the Hispanic population. Various study committees were organized. Not surprising, education was a major concern of the Hispanic population. Some schools had prohibited the use of certain dialects and had refused to use any language other than English in their activities.

While the Spanish language population was the force behind the bilingual educational movement, other culture groups were concerned with the question of language policy. For example, President Lyndon Johnson in a message to Congress in 1968, indicated high government priority to improve the education of Indians and stressed the language and cultural needs of this group. Asian Americans also recognized the need to secure an equal educational opportunity for students of Asian heritage.

The 1968 Bilingual Education Act

When this legislation was first introduced in the United States Congress by Senator Ralph Yarborough (Texas) it was intended to meet the needs of Spanish speaking students. However, several Congress members wanted to expand the legislation to include other language groups as well. Subsequently the 1968 Congressional action was directed at "children who come from environments where the dominant language is other than English." This legislation was consistent with Johnson's position of supporting the principle of bilingual education in order to maximize an equal educational opportunity for all. This act reversed a 50-year old one language policy.

Later in 1974 the Bilingual Education Act was broadened to include children of "limited English-speaking ability," and the 1978 amendments were directed to individuals with "limited English proficiency." The primary purpose of this legislation was three-fold: 1) To increase English language skills; 2) To maintain and increase mother tongue skills; and 3) To support a student's cultural heritage.

Bilingual legislation programs were intended to improve the school achievement levels of an ever growing population group in the United States. The bilingual education policies and practices of this country affect "people of color" more than the white-dominated society.

STUDENT HANDOUT #2

"Excerpts from Federal Court Decisions Affecting Bilingual Education"

Meyer v. Nebraska, 262 U.S. 390, 1923

In 1921 Nebraska passed a law in which students below grade 9 generally could not be taught in a foreign language. The German Lutherans challenged the law and filed suit against Nebraska, Iowa, and Ohio since the latter states had similar laws. The U.S. Supreme Court (June 4, 1923) decided these laws violated the guarantee of liberty provided by the 14th Amendment in the absence of any sudden emergency which would cause knowing a foreign language harmful. The court noted that the protection of the Constitution was extended to those who speak other languages as well as to those who speak English. The similar laws of Iowa (Bartels v. Iowa) and Ohio (Bohning v. Ohio) were also declared null and void on the same day.

Farrington v. Tokushige, 273 U.S. 284, 1927

The Territory of Hawaii passed a series of laws to restrict the operation of "foreign language schools" on week days in Hawaii. Most of these schools were operated by the Japanese. The law required the teachers to be licensed and to be licensed the teachers had to be "good followers of democracy," had to have a knowledge of English, were to use texts which presupposed the students knew Egnlish, and could teach no longer than one hour per day, six hours per week, and 38 weeks per year. The Japanese challenged these restrictions and the U.S. Supreme Court ruled these restrictions violated the due process clauses of the Fifth Amendment which provides for the protection of fundamental rights against invasion by the federal government and its agencies, e.g., the territorial legislature.

Lau v. Nichols, 414 U.S. 563, 39 L. Ed 2d 1, 94 S. CT 786 (1974)

In 1970 a class action lawsuit was filed by Chinese parents against the San Francisco Unified School District on the basis their civil rights were being denied according to Title VI of the 1964 Civil Rights Act. At the time of the suit there were 2,856 students of Chinese ancestry who did not speak English. Approximately 1,000 of these students were given supplemental instruction in English, while the remaining 1,800 students did not receive this instruction. The central question in the suit sought to answer the following questions: (1) What is considered to be equal educational opportunity? (2) Does a non-English speaking student receive an equal opportunity if s/he does not speak or understand the language? (3) Does the lack of understanding the language of instruction deprive a non-English speaking student a minimally adequate education?

The court ruled "there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education." The law stipulates that all students whose language ability does not allow him/her to benefit from the regular educational programs, must be provided with something beyond the existing programs.

Serna v. Portales Municipal Schools, 499 F. 2d 1149 (10th Cir. 1974)

The facts of this case are similar to the Lau case. Most Spanish-surnamed students were placed in totally English-speaking schools even though there was evidence the students were deficient in English-language skills. However, the Portales School District took no action to correct or reduce the language deficiencies of the students. Their parents believed the children were receiving a meaningless education which has the effect of discrimination.

The school district at the time of the trial did present a program which they believed would meet the needs of the students. However the plan was deemed inadequate and the trial court developed a program it believed would meet the educational needs of the students. It was determined that the trial court did have a duty to develop a program to "provide adequate relief" for the Spanish-surnamed children of the district.

8

STUDENT HANDOUT #3

"What Would You Decide?"

Maria and Juan are twins and were born in the United States six years ago. Since their birth they have lived at home with their parents, brothers and sisters, and other members of their family. The language spoken at home is Spanish and the children have learned Spanish as their "first" language or mother-tongue. They know as many words in Spanish as do most English-speaking children of the same age. Their English vocabulary is somewhat limited.

Maria and Juan are entering school. Their parents have requested they be placed in a bilingual educational program in order for them to learn as much as possible in both languages and not fall behind other students. The parents want the children to learn to read in Spanish and to be able to speak, read, and write English. There are several other Spanish-speaking children in the school.

As the school administrator, what would you do? What are the arguments for placing Maria and Juan in a bilingual program? What are the reasons for refusing the parents request? What issues are involved in your decision? To what extent should scarce resources (money) be allocated to provide services to children who speak little or no English?

STUDENT HANDOUT #4

"What Do You Value? Where Do You Stand?"

As you have examined the issue of bilingual education policies and practices, you have learned there are many issues and many conflicting opinions about the need to continue bilingual education programs.

On the following values continuum, indicate what your position is on this issue and why you selected that point on the continuum.

Absolute right to continue to offer and fund bilingual educational programs

Immediate discontinuance of existing bilingual educational programs

Write down the reasons for your position:

Is it appropriate for the government to support linguistic diversity or is it more appropriate for the state to support a unanimity of linguistic expression? What are the costs for providing bilingual education? What are the long term costs for not providing bilingual education?

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APPENDIX A

THE SUBJECT MATTER OF POLITICAL ECONOMY:
A Framework for Analysis of Political-Economic Policies and Issues

ECONOMICS (Economic Science)	POLITICS (Political Science)
FOUNDATION	
THE ECONOMIC PROBLEM (Wants > Resources → Scarcity, i.e., our wants exceed available resources and therefore scarcity exists)	THE POLITICAL PROBLEM (Conflicts of interest)
THUS	
I. Political economy is the study of the **methods** by which society—	
employs its resources (human, capital, natural, time) productively for the fulfillment of human wants.	resolves conflicts of interest over the authoritative allocation of values; thus a study of power.
Toward these ends	
Economics is a study of how a society decides—	Politics is a study of how a society decides—
a. **What** wants to produce (i.e., what wants to fulfill) and **how much** to produce	a. **What** goal values are to be sought and given authority
b. **How** to produce most efficiently (i.e., how to allocate resources most productively to their alternative possible uses)	b. **How** societies are to be organized for the pursuit and use of power and authority (i.e., mechanisms for resolving conflicting values, achieving social goals)
c. **For whom** to produce (i.e., who is to get what and how much and how is this to be decided)	c. **For whom** the organization exists (i.e., who gets what; whose goals are served?)
II. Political economy is the study of **social problems** relating both to the functioning of the organization as a whole and to its particular institutions.	
Both economics and political science usually employ a problems approach in solving four steps—	
a. **Definition of the Problem**—What desired goals are believed to be inadequately served by existing institutions? How does "what is" conflict with what many think "ought to be"?	
Economics is concerned with problems relating particularly to the goals of—	Politics is concerned with problems relating particularly to the goals of—
1. Efficiency and productivity	1. Justice in the exercise of power
2. Growth	2. Equity in the distribution of power (income, deference, security, influence)
3. Stability (both full employment and general price stability)	3. Freedom (both limits on the use of power and access to resources needed to realize individual potential.
4. Security	4. Effectiveness
5. Equity in the distribution of income	
b. **Understanding of the problem**—What concepts, what analytical tools, what facts do economics and political science have to contribute to an understanding of the problem and its proposed solutions?	
What do we know about how productively resources are being employed for the fulfillment of human wants related to the problem and the consequences for other values?	What do we know about value conflicts (i.e., conflicts of interest) related to the problem, how they are being resolved, and the resulting allocation and use of power?
c. **Public policy alternatives**—What are their economic and political implications? How may citizens, as individuals and groups, influence policy decision-making?	
What will be the probable consequences, both in the short run and long run (the seen effects and the unseen), for the economic goals stated above?	Who is proposing what and why? How does private interest relate to public interest? What are the probable consequences for the political goals identified above?
Thus what policy alternatives will bring the greatest net realization of values?	
I.e., a more optimal allocation (use) of resources (so that their marginal value products in all alternative uses will be equal).	I.e., resolution of the problem with a minimum value loss to any participant and a maximum value gain to all.
Which policy alternative is most compatible with one's economic philosophy (i.e., one's view of the proper role of government in relation to the economy)?	
d. **Action**—How may one implement one's views?	
How does one act as consumer, producer, as a member of an interest group to bring about desired changes?	How may one as a citizen or leader participate in politics to be most effective in bringing about desired changes?

Source: Salemi and Leak, Analyzing Inflation and Its Control: A Resource Guide, JCEE, 1984.

APPENDIX B

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Framework for Analysis of Economic Policies and Issues

Systematic analysis of economic policies requires:

IDENTIFICATION OF ISSUES

- Issues Pertaining to Relative Role of the Market vs. Government Action
- Issues Pertaining to Overall Performance of the Economy
- Issues Pertaining to Distribution of Income

KNOWLEDGE & APPLICATION OF BASIC ECONOMIC CONCEPTS

The Economic Problem

which arises from scarcity and the need for choice, and necessitates the development of

Economic Systems

for resolving problems and issues dealing with what to produce, how to produce, how much to produce, and how to distribute the fruits of production:

Microeconomics: Resource Allocation, Income Distribution, etc. **and** Macroeconomics: Economic Stability and Growth, etc.

KNOWLEDGE OF ECONOMIC INSTITUTIONS

which provides the factual and behavioral background needed to apply economic concepts

EVALUATION OF ECONOMIC ACTIONS AND POLICIES

which necessitates distinguishing between

Questions of Fact or Prediction vs. Questions of Judgment or Values

by applying

Measurement Concepts

for assessing economic performance,

identifying

Goals/Values

to be used as criteria for evaluating policy alternatives,

and

weighing policy choices in terms of

Trade-offs among Goals

Source: Salemi and Leak, Analyzing Inflation and Its Control: A Resource Guide, JCEE, 1984

APPENDIX C

Schematic Outline of the Principal Forces Working For and Against Bilingual Education at Present

Mexican oil forcing more positive U.S. posture---------->	1	<---------- Economic crunch spurring national conservative mood politically
Population growth of Hispanics, the largest bilingual group in the United States---------->	2	<---------- Declining enrollments forcing loss of jobs, closing schools, etc.
Continuing court victories (school finance, I au)---------->	3	<---------- White backlash sparking national pullback on equal employment opportunity and civil rights programs at federal, state, and local levels
Federal bilingual program continues to be funded---------->	4	<---------- Attempts to repeal and gut bilingual legislation at federal, state, and local levels
Growth in power, competence and numbers of bilingual educators ---------->	5	<---------- Teacher organizations lining up against bilingual education
Growing commitment to bilingual education in colleges and universities---------->	6	<---------- Severe budget cuts which have drastically reduced the ability of SEAs to mount bilingual programs on their own
Greater self-awareness and pride in culture and language among bilingual ethics, which bilingual education has promoted ---->	7	<---------- Backlash causing too many bilingual educators and supporters to compromise too far, too easily, and too early
Initial research indicates students in such programs are showing achievement gains and remaining in school---------->	8	<---------- Some of the research designs may be somewhat flawed and reflect wishful thinking
Recognition of value of cultural diversity ---------->	9	<---------- Refusal to recognize value of cultural diversity

Source: Adapted from T.A. Arceniga, "Some Personal Reflections on the Bilingual Education Movement & the Challenges Ahead," in NABE Proceedings of the Eighth Annual International Bilingual Bicultural Education Conference, 1981.